



NATURAL RESOURCES DEFENSE COUNCIL

July 16, 2013

Bob Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, D.C. 20460

Dear Acting Administrator Perciasepe:

We are writing today to ask you to reverse the decision recently announced by the Environmental Protection Agency (EPA) not to finalize or seek peer review for the Draft Investigation of Ground Water Contamination Near Pavillion, Wyoming.ⁱ

Science plays a vital role in the EPA's mission. The EPA's decision to drop its investigation of water contamination in Pavillion, WY, and the lack of transparency about the reasons for this decision, raise troubling questions about the EPA's current approach to scientific standards and independent scientific research. The press release announcing the suspension of the investigation created confusion with the seemingly contradictory statements that "EPA stands behind its work and data..." but yet, "the agency [does not] plan to rely upon the conclusions in the draft report."ⁱⁱ This confusion has led to wide speculation about the basis of this decision.ⁱⁱⁱ

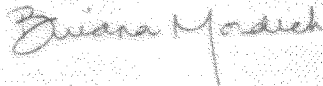
Standards of scientific integrity demand that the EPA publicly clarify the decision-making process that led it to suspend work on this draft report. The EPA's recent actions regarding this report seem to be in direct conflict with aspects of its own Scientific Integrity Policy, in particular those policies related to transparency.^{iv} Given that the EPA stands behind the work done in the study, it must provide justification for its decision not to rely upon the conclusions of its own scientists.

As you know, the EPA is currently in the process of conducting the first ever comprehensive study of the potential impacts of hydraulic fracturing on drinking water. The EPA's decision not to finalize its investigation in Pavillion, WY seems at odds with the goals of this study, as do its decisions last year to back off its water contamination investigation in Parker County, TX,^v and to cease investigation of water contamination in Dimock, PA.^{vi} The EPA's decision to drop these investigations creates a worrying pattern in the EPA's scientific work on hydraulic fracturing.

In a 2012 op-ed defending the Pavillion study, then-Regional Administrator Jim Martin wrote, "The residents deserve answers to their questions, and EPA will continue to use the best scientific process to determine the facts."^{vii} This statement is no less true today, and the EPA must follow through on that

promise. The people of Pavillion, WY and the American public must have confidence that the EPA can fulfill its mission, which includes ensuring that "all Americans are protected from significant risks to human health and the environment where they live, learn and work," and that "national efforts to reduce environmental risk are based on the best available scientific information."^{viii} With this goal in mind, we respectfully request that the EPA reverse its decision and move forward with work to finalize and peer review the Pavillion study.

Sincerely,



Briana Mordick
Staff Scientist
Natural Resources Defense Council

Cc: Glenn Paulson, Ph.D. Science Advisor to the EPA Administrator
Shaun McGrath, EPA Regional Administrator for Region 8

ⁱ US Environmental Protection Agency. (2011, December). *Draft Investigation of Ground Water Contamination near Pavillion, Wyoming*.

ⁱⁱ US Environmental Protection Agency, Region 8. (20 June 2013). Wyoming to Lead Further Investigation of Water Quality Concerns Outside of Pavillion with Support of EPA [Press release]. Retrieved from <http://yosemite.epa.gov/opa/admpress.nsf/20ed1dfa1751192c8525735900400c30/dc7dcdb471dcfe1785257b90007377bf?OpenDocument>

ⁱⁱⁱ See, e.g. American Petroleum Institute. (20 June 2013). EPA acknowledges Pavillion study deficiencies [Press Release]. Retrieved from <http://www.api.org/news-and-media/news/newsitems/2013/june-2013/epa-acknowledges-pavillion-study-deficiencies>

^{iv} "The EPA's retreat." Editorial. Oil & Gas Journal (1 July 2013) Retrieved from <http://www.ogj.com/articles/print/volume-111/issue-7/regular-features/editorial/the-epa-s-retreat.html>

^v US Environmental Protection Agency. (2012). *U.S. Environmental Protection Agency Scientific Integrity Policy*. Retrieved from http://www.epa.gov/osa/pdfs/epa_scientific_integrity_policy_20120115.pdf

^{vi} See, e.g. Soraghan, Mike. (12 February 2013). Fracking study helped drive Range case to dismissal. E&E News Energywire. Retrieved from <http://www.eenews.net/energywire/stories/1059976285> (subscription required)

^{vii} US Environmental Protection Agency. (25 July 2012). EPA Completes Drinking Water Sampling in Dimock, Pa. [Press release]. Retrieved from <http://yosemite.epa.gov/opa/admpress.nsf/01A6E49D193E1007585257A46005B61AD>

^{viii} Martin, Jim. "Finding answers for Pavillion residents." Editorial. Casper Star-Tribune (22 January 2012) Retrieved from http://trib.com/opinion/columns/finding-answers-for-pavillion-residents/article_2d4e5b10-4399-5e45-9f5e-ee75d8949de8.html

^{viii} "Our Mission." US Environmental Protection Agency. US EPA, n.d. Web. 1 July 2013.